

IN THE UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

In Re: § Case No. 22-10134  
§ (Jointly Administered)  
Sky Inn Operation, Inc., §  
and Austin Airport Suits, LLC, §  
Debtors.<sup>1</sup> § Chapter 11

**APPLICATION FOR FINAL DECREE**

**THIS PLEADING REQUESTS RELIEF THAT MAY BE ADVERSE TO YOUR INTERESTS.**

**IF NO TIMELY RESPONSE IS FILED WITHIN TWENTY ONE (21) DAYS FROM THE DATE OF SERVICE, THE RELIEF REQUESTED IN THE MOTION MAY BE GRANTED WITHOUT A HEARING BEING HELD.**

**A TIMELY FILED RESPONSE IS NECESSARY FOR A HEARING TO BE HELD.**

.

TO THE HONORABLE U.S. BANKRUPTCY JUDGE:

COME NOW Sky Inn Operation, Inc (“Sky Inn”) and Austin Airport Suites, LLC (“AAS”) (collectively, “Debtors”), the reorganized debtors in the above captioned and numbered bankruptcy cases, to file this Application for Final Decree (“Application”), and respectfully show the Court as follows:

1. These jointly administered Bankruptcy Cases were commenced on February 28, 2022, when the Debtors filed their voluntary petitions under Chapter 11 of the Bankruptcy Code.

---

<sup>1</sup> The Debtors in this jointly administered bankruptcy case are Sky Inn Operation, Inc. d/b/a Staybridge Suites Austin Airport, a Texas corporation (EIN 47-2820872) and Austin Airport Suites, LLC, a Texas limited liability company (EIN 26-0209525).

2. On January 11, 2023, the Court signed and docketed the Order Confirming Debtors' Third Amended Chapter 11 Plan of Reorganization (the "Confirmation Order") [Doc#148].

3. All conditions precedent to the Occurrence of the Effective Date, as defined in the Confirmation Order and in the Plan of Reorganization, which is attached to the Confirmation Order (the "Plan"), have been satisfied. Debtors filed a Notice of Final Post-Effective Date Budget and Occurrence of Effective Date of Chapter 11 Plan of Reorganization on April 20, 2023 [Do#175], which established May 5, 2023, as the Effective Date of the Plan.

4. Debtors have paid all administrative claims or have made provisions for payment of any unpaid administrative claims. Kell C. Mercer and Kell C. Mercer, P.C., co-counsel for Debtors, filed its final fee application on May 26, 2023. C. Daniel Roberts and C. Daniel Roberts, PC, co-counsel for Debtors, filed its final fee application on May 31, 2023. Debtors do not anticipate any objections to the pending fee applications, and absent any such objection, the fee applications should be granted before the 21-day negative notice for this Application has expired. There are sufficient funds in the bankruptcy estate to pay the amounts requested in the fee applications as administrative claims per the Plan.

5. Debtors have begun making monthly payments to Classes 1 through 6, as required by the Plan and are current on monthly payments. In addition, Debtors have made the lump sum payments of \$1,000,000.00 to RSS COMM2015-DC1-TX SIO, LLC ("RSS"), the secured creditor, and \$296,749.43 to Holiday Hospitality Franchising, LLC in connection with assumption of the hotel licensing agreement. Debtors will continue to make monthly payments to creditors as required under the Plan.

5. Debtors are current on payments to the United States Trustee. Within 14 days

from the entry of an order granting this Application, Debtors will calculate the final amount owed to the US Trustee and remit a check for this amount as well. In addition, any unfiled reports will be filed within 14 days of the entry of an order granting this Application. Debtors would like to end the future accrual of fees to the United States Trustee by having a final decree entered as soon as possible.

6. Debtors do not anticipate filing any further litigation in this Court, including any chapter 5 causes of action. Debtors are requesting that the case be closed subject to reopening should any adversaries be filed.

7. Fed. R. Bankr. P. 3022 provides that a final decree closing a case shall be entered "(a)fter an estate is fully administered in a chapter 11 proceeding." All outstanding matters relating to the Plan will be resolved after the pending fee applications of co-counsel are granted, and it will then be appropriate to enter a Final Decree.

8. A Chapter 11 case should be closed when the Debtor's Plan has been "substantially consummated." Section 1101(2) of the Bankruptcy Code defines "substantial consummation: for Chapter 11 purposes as:

- (A) the transfer of all or substantially all of the property proposed by the plan to be transferred;
- (B) the assumption by the debtor or by the successor to the debtor under the plan of the business or of the management of all or substantially all of the property dealt with by the plan; and
- (C) the commencement of distribution under the plan.

9. Debtors have substantially consummated the confirmed Plan as contemplated by 11 U.S.C. §1101(2). As the Reorganized Debtors, they have retained ownership of the Bankruptcy Estate property which is being used in the operation of the business and which is generating the revenue from which creditors are being paid. As noted above, Debtors have made substantial distributions under the Plan and continue to make monthly payments as required by the Plan. As noted above, Debtors do not anticipate filing any further claims objections. All the assets of the estate have been administered. Any payments due to the Office of the United States Trustee will be made prior to the closing of the bankruptcy case.

10. Based on the foregoing, the instant case is ready for a final decree so that the case may be closed.

WHEREFORE, PREMISES CONSIDERED, Debtors, Sky Inn Operation, Inc and Austin Airport Suites, LLC hereby respectfully pray that the Court enter a final decree in the Bankruptcy Cases and for such other and further relief as this Court may deem just.

Respectfully submitted,

C. Daniel Roberts, PC  
PO Box 6368  
Austin, Texas 78762  
Telephone: (512) 494-8448  
[droberts@cdrlaw.net](mailto:droberts@cdrlaw.net)

By: /s/ C. Daniel Roberts  
C. Daniel Roberts  
Texas Bar No. 16999200

ATTORNEY FOR SKY INN  
OPERATION, INC. D/B/A STAYBRIDGE  
SUITES AUSTIN AIRPORT AND  
AUSTIN AIRPORT SUITES, LLC

**CERTIFICATE OF SERVICE**

By my signature above, I, C. Daniel Roberts, hereby certify that on June 1, 2023, a true and correct copy of the foregoing document was served via the Court's CM/ECF noticing system or regular first-class mail on the following, in addition to those parties listed on the attached creditor matrices:

Sky Inn Operation, Inc  
PO Box 18865  
Austin, Texas 78760

and

Austin Airport Suites, LLC  
1611 Airport Commerce Drive  
Austin, Texas 78741

**JOINTLY ADMINISTERED DEBTORS**

U.S. Trustee  
903 San Jacinto Blvd., Room 230  
Austin, Texas 78701

Western District of Texas

Austin

Tue Apr 18 13:24:46 CDT 2023

U.S. BANKRUPTCY COURT  
903 SAN JACINTO, SUITE 322  
AUSTIN, TX 78701-2450

Armando Batarse Cardenas  
1611 Airport Commerce Dr.  
Austin, TX 78741-4534

Armando P Batarse Mena  
1611 Airport Commerce Dr.  
Fracc. Valle Morelos  
Monterrey, Mexico  
Austin, TX 78741-4534

Carlos Enrique Batarse  
611 Airport Commerce Dr.  
Austin, TX 78741

City of Austin DBA Austin Energy  
4815 Mueller Blvd  
Austin, TX 78723-3573

Holiday Hospitality Franchising, LLC  
c/o Alston & Bird LLP  
Attn: Leib M Lerner  
333 S. Hope St 16th FL  
Los Angeles CA 90071-1410

Jonathan Schlaet  
Rialto Capital Advisors LLC  
200 S Biscayne Blvd #3550  
Miami FL 33131-2379

Michael Anthony Shaw  
Jones Walker  
11 North Water St #1200  
Mobile AL 36602-3809

Oracle America, Inc.  
c/o Shawn M. Christianson, Esq.  
Buchalter PC  
425 Market St., Suite 2900  
San Francisco, CA 94105-2491

Patricia Mena de Batarse  
1161 Commerce Dr.  
Austin TX 78741

RSS COMM2015-DC1 - TX SIO, LLC  
200 S Biscayne Blvd #3550  
Miami FL 33131-2379

RSS COMM2015-DC1-TX SIO, LLC  
c/o Michael A. Shaw  
Jones Walker LLP  
811 Main Street, Suite 2900  
Houston, TX 77002-6116

RSS COMM2015-DC1-TX SIO, LLC  
c/o Stephen P Drobny, Jones Walker LLP  
201 S Biscayne Blvd #3000  
Miami FL 33131-4330

Royal Cup Coffee  
160 Cleage Dr  
Birmingham, AL 35217-1461

Travis County c/o Jason A. Starks  
P.O. Box 1748  
Austin, Texas 78767-1748

United States Trustee - AU12  
United States Trustee  
903 San Jacinto Blvd, Suite 230  
Austin, TX 78701-2450

C. Daniel Roberts  
C. Daniel Roberts & Associates, P.C.  
1602 East Cesar Chavez  
Austin, TX 78702-4456

Kell C. Mercer  
Kell C. Mercer, P.C.  
901 S MoPac Expy, Bldg 1, Suite 300  
Austin, TX 78746-5883

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)Austin Airport Suites, LLC  
1611 Airport Commerce Dr.  
Austin, TX 78741-4534

(d)Holiday Hospitality Franchising, LLC  
c/o Alston and Bird LLP  
Attn: Leib M. Lerner  
333 S. Hope Street, 16th Fl.  
Los Angeles, CA 90071-1410

End of Label Matrix  
Mailable recipients 20  
Bypassed recipients 2  
Total 22

0542-1 1611 Airport Commerce Dr.  
Case 22-10135-smr Austin, TX 78741-4534

903 SAN JACINTO, SUITE 322  
AUSTIN, TX 78701-2450

Western District of Texas

Austin

Tue Apr 18 13:25:56 CDT 2023

1st FP Austin LLC ABC Home & Commercial Services  
12414 Laws Rd 9475 E. Hwy 290  
Buda, TX 78610-9606 Austin, TX 78724-2303

AT&T Global  
PO Box 5091  
Carol Stream, IL 60197-5091

Alamo Austin Air  
819 Jim Davis Place  
Austin, TX 78736

Alamo Leasing Co., Inc  
PO Box 414438  
Boston, MA 02241-4438

American Hotel Register Company  
544 LAKEVIEW PARKWAY SUITE 300  
VERNON HILLS, IL 60061-1826

American Hotel Register Company  
PO Box 206720  
Dallas, TX 75320-6720

Armando Batarse Cardenas  
1611 Airport Commerce Dr.  
Austin, TX 78741-4534

Austin Police Department  
PO Box 684279  
Austin, TX 78768-4279

Austin Stay Operation LLC  
1611 Airport Commerce Dr.  
Austin, TX 78741-4534

BEST WASH, INC  
15012 EDDIE DRIVE  
HUMBLE, TX 77396-2549

BlueCross Blueshield of Texas  
PO Box 731428  
Dallas, TX 75373-1428

Carbon's Golden Malted  
PO Box 129  
Concordville, PA 19331-0128

City of Austin  
PO Box 2267  
Austin, TX 78783-2267

Dyezz Surveillance  
2113 Wells Branch Pkwy Ste. 6700  
Austin, TX 78728-6972

EMR Elevator Inc  
2320 Michigan Ct.  
Arlington, TX 76016-5870

Ecolab  
PO Box 70343  
Chicago, IL 60673-0343

Ecolab Inc.  
655 Lone Oak Drive  
Eagan, MN 55121-1651

Edward Don & Company  
2562 Paysphere Circle  
Chicago, IL 60674-0001

Enviro Air and Water  
901 Westlake Dr.  
Austin, TX 78746-4509

GardaWorld Security Services  
1699 South Hanley Road  
Suite 350  
St. Louis, MO 63144-2900

Gardaworld  
PO Box 843886  
Kansas City, MO 64184-3886

Grainger  
Dept. 873194989  
PO Box 419267  
Kansas City, MO 64141-6267

Granite Telecommunications  
PO Box 983119  
Boston, MA 02298-3119

Gulf Coast Paper Co., Inc.  
519 Tradesman's Park  
Hutto, TX 78634-4027

HD Supply  
PO Box 509058  
San Diego, CA 92150-9058

Health Care Service Corporation  
PO Box 731428  
Dallas, TX 75373-1428

Holiday Hospitality Franchising, LLC  
Three Ravinia Drive, Suite 100  
Atlanta, GA 30346-2121

Holiday Hospitality Franchising, LLC  
c/o Alston and Bird LLP  
Attn: Leib M. Lerner  
333 S. Hope Street, 16th Fl.  
Los Angeles, CA 90071-1410

Home Depot Pro  
PO Box 844727  
Dallas, TX 75284-4727

Hospitality WIFI  
520 E. Montford Avenue  
Ada, OH 45810-1821

HotelPlanner  
PO Box 645452  
Pittsburgh, PA 15264-5252

Hotelingine  
720 S. Colorado Blvd. 1050S  
Denver, CO 80246-1906

Humana  
PO Box 3226  
Milwaukee, WI 53201-3226

Innerworkings  
7503 Solution Center  
Chicago, IL 60677-7005

Innkeepers Communications, LLC  
202 Walton Way Suite 192 #131  
Cedar Park, TX 78613-7046

Intercontinental Hotels Group  
PO Box 101074  
Atlanta, GA 30392-1074

Johnson Controls  
Department CH 10320  
Palatine, IL 60055-0320

Johnson Controls Fire Protection LP  
10405 Crosspoint Blvd  
Indianapolis, IN 46256-3323

Jonathan Schlact  
Rialto Capital Advisors, LLC  
200 S. Biscayne Blvd., Suite 3550  
Miami, FL 33131-2379

Leon Translations, Inc  
7200 Anagua Dr.  
Austin, TX 78750-8329

Merchants Automotive Group, Inc  
PO Box 414438  
Boston, MA 02241-4438

Michael Anthony Shaw  
Jones Walker  
11 North Water Street, Suite 1200  
Mobile, AL 36602-3809

Michael Law Firm, PC  
812 W. 11th St., Suite 301  
Austin, TX 78701-2011

Mustang Enterprises Ltd  
1238 W Laurel  
San Antonio, TX 78201-6431

Oracle America, Inc.  
c/o Shawn M. Christianson, Esq.  
Buchalter PC  
425 Market St., Suite 2900  
San Francisco, CA 94105-2491

Otis Elevator Company  
PO Box 730400  
Dallas, TX 75373-0400

Quality Elevator Inspections of Texas  
PO Box 5485  
Leander, TX 78645-0022

RSS COMM2015-DC1 - TX S10, LLC  
200 South Biscayne Boulevard, Suite 3550  
Miami, FL 33131-2379

RSS COMM2015-DC1-TX S10, LLC  
c/o Stephen P Drobny, Jones Walker LLP  
201 S Biscayne Blvd #3000  
Miami FL 33131-4330

RSS COMM2015-DC1 - TX S10, LLC  
c/o Michael A. Shaw  
Jones Walker LLP  
811 Main Street, Suite 2900  
Houston, TX 77002-6116

Rick's Refills  
6800 West Gate Blvd. #133  
Austin, TX 78745-4868

Ricks Refills  
6800 West Gate Blvd.  
Suite 132 pmb 313  
Austin, TX 78745-4868

Rivera Landscaping  
8760 A Research Blvd #311  
Austin, TX 78758-6420

22-10134-smr Doc#183 Filed 06/01/23 Entered 06/01/23 23:53:48 Main Document Pg 9 of  
Riverside/71 Self Storage Royal Cup Coffee 10 Sky Inn Operation, Inc  
7320 Ben White Blvd PO Box 841000 PO Box 18865  
Austin, TX 78741-6821 Dallas, TX 75284-1000 Austin, TX 78760-8865

Spectrum  
PO Box 60074  
City of Industry, CA 91716-0074

Sporttours  
PO Box 988  
DeKalb, IL 60115-0988

TEXAS GAS SERVICE  
PO BOX 401  
OKLAHOMA CITY, OK 73101-0401

Team Housing  
1619 Common St. Suite 801  
New Braunfels, TX 78130-3460

Texas Gas Service  
PO Box 219913  
Kansas City, MO 64121-9913

The Comptroller of Public Accounts  
Courtney J. Hull  
Assistant Attorney General  
Bankruptcy & Collections Division MC 008  
P.O. Box 12548  
Austin, Texas 78711-2548

Travel Incorporated  
4355 River Green Parkway  
Duluth, GA 30096-2572

Traveliance  
PO Box 74008563  
Chicago, IL 60674-8563

US Foods, Inc  
Box 841587  
Dallas, TX 75284-1587

US Foods, Inc.  
Brian Shaw  
Cozen O'Connor  
123 North Wacker Drive, Suite 1800  
Chicago, IL 60606-1770

United States Trustee - AU12  
United States Trustee  
903 San Jacinto Blvd, Suite 230  
Austin, TX 78701-2450

Waste Management of Texas, Inc  
PO Box 66035  
Dallas, TX 75266

Water Logic  
PO Box 677867  
Dallas, TX 75267-7867

Waterlogic USA  
100 Biddle Ave., Suite 203  
Newark, DE 19702-3983

Westerwood Global  
1001 S. Capital of Texas Hwy  
Austin, TX 78746-6585

Windstream  
1450 N Center Point Rd  
Hiawatha, IA 52233-1232

Windstream  
PO Box 9001013  
Louisville, KY 40290-1013

World Cinema, Inc  
PO Box 733288  
Dallas, TX 75373-3288

Yellow Cab Austin  
10630 Joseph Clayton Drive, Bldg A  
Austin, TX 78753-3215

Yumi Ice Cream  
PO Box 670698  
Dallas, TX 75267-0698

C. Daniel Roberts  
C. Daniel Roberts & Associates, P.C.  
1602 East Cesar Chavez  
Austin, TX 78702-4456

Kell C. Mercer  
Kell C. Mercer, P.C.  
901 S MoPac Expy, Bldg 1, Suite 300  
Austin, TX 78746-5883

(d) Best Wash Inc  
15012 Eddie Drive  
Humble, TX 77396-2549

End of Label Matrix of 10  
Mailable recipients 84  
Bypassed recipients 1  
Total 85